

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

OSCAR GABRIEL JIMENEZ, ET AL.,

vs.

TEXAS ALCOHOLIC BEVERAGE  
COMMISSION, ET AL.

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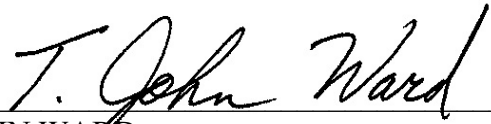
CASE NO. 2:07-CV-154

**ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The undersigned has reviewed the parties' objections to the Magistrate's Report and Recommendation, and hereby adopts the report of the United States Magistrate Judge as the findings and conclusions of this court.

Accordingly, the court denies the motions to dismiss (#9 and #22) as moot. The court also denies Steen's motion to dismiss (#29) the plaintiffs' first amended complaint. However, Steen is directed to file a renewed motion to dismiss the plaintiffs' second amended complaint for failure to overcome his qualified immunity within 5 days. The defendant's renewed motion shall be abbreviated in form, and incorporate portions of his previous motion to dismiss, as appropriate. The Magistrate Judge will address Steen's renewed motion to dismiss as soon as practicable.

SIGNED this 31st day of March, 2008.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE